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11 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT

13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 ADIS POGHOSYAN,
aka "Jilbert Mnatsakanyan"

18 Defendant.
19

No. CR 23-00443-RGK

PLEA AGREEMENT FOR DEFENDANT
ADIS POGHOSYAN

20
21 1. This constitutes the plea agreement between ADIS POGHOSYAN,
22 also known as ("aka") "Jilbert Mnatsakanyan" ("defendant") and the
23 United States Attorney's Office for the Central District of
24 California (the "USAO") in the above-captioned case. This agreement
25 is limited to the USAO and cannot bind any other federal, state,
26 local, or foreign prosecuting, enforcement, administrative, or
27 regulatory authorities.
28

DEFENDANT'S OBLIGATIONS

2. Defendant agrees to:

a. At the earliest opportunity requested by the USAO and provided by the Court, appear and plead guilty to the single-count Indictment in United States v. Adis Poghosyan, CR No. 2:23-00443-RGK, which charges defendant with Prohibited Person in Possession of a Firearm and Ammunition, in violation of Title 18, United States Code, Section 922(g)(1), (8), (9).

b. Not contest facts agreed to in this agreement.

c. Abide by all agreements regarding sentencing contained in this agreement.

d. Appear for all court appearances, surrender as ordered for service of sentence, obey all conditions of any bond, and obey any other ongoing court order in this matter.

e. Not commit any crime; however, offenses that would be excluded for sentencing purposes under United States Sentencing Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not within the scope of this agreement.

f. Be truthful at all times with the United States Probation and Pretrial Services Office and the Court.

g. Pay the applicable special assessment at or before the time of sentencing unless defendant has demonstrated a lack of ability to pay such assessments.

3. Defendant further agrees:

a. To forfeit all right, title, and interest in and to any and all monies, properties, and/or assets of any kind, derived from or acquired as a result of, or used to facilitate the commission of, or involved in the illegal activity to which defendant is

1 pleading guilty, specifically including, but not limited to, the
2 following:

3 i. A Ruger, LCP, .380 caliber pistol, bearing serial
4 number 372415462; and

5 ii. Approximately five rounds of Arms Corporation of
6 the Philippines .380 caliber ammunition (collectively, the
7 "Forfeitable Property").

8 b. To the Court's entry of an order of forfeiture at or
9 before sentencing with respect to the Forfeitable Property and to the
10 forfeiture of the property.

11 c. That the Preliminary Order of Forfeiture shall become
12 final as to the defendant upon entry.

13 d. To take whatever steps are necessary to pass to the
14 United States clear title to the Forfeitable Property, including,
15 without limitation, the execution of a consent decree of forfeiture
16 and the completing of any other legal documents required for the
17 transfer of title to the United States.

18 e. Not to contest any administrative forfeiture
19 proceedings or civil judicial proceedings commenced against the
20 Forfeitable Property. If defendant submitted a claim and/or petition
21 for remission for all or part of the Forfeitable Property on behalf
22 of himself or any other individual or entity, defendant shall and
23 hereby does withdraw any such claims or petitions, and further agrees
24 to waive any right he may have to seek remission or mitigation of the
25 forfeiture of the Forfeitable Property. Defendant further waives any
26 and all notice requirements of 18 U.S.C. § 983(a)(1)(A) and/or
27 requirements of the Government to commence forfeiture actions
28 pursuant to 18 U.S.C. § 924(d)(1).

1 f. Not to assist any other individual in any effort
2 falsely to contest the forfeiture of the Forfeitable Property.

3 g. Not to claim that reasonable cause to seize the
4 Forfeitable Property was lacking.

5 h. To prevent the transfer, sale, destruction, or loss of
6 the Forfeitable Property to the extent defendant has the ability to
7 do so.

8 i. That forfeiture of Forfeitable Property shall not be
9 counted toward satisfaction of any special assessment, fine,
10 restitution, costs, or other penalty the Court may impose. With
11 respect to any criminal forfeiture ordered as a result of this plea
12 agreement, defendant waives: (1) the requirements of Federal Rules of
13 Criminal Procedure 32.2 and 43(a) regarding notice of the forfeiture
14 in the charging instrument, announcements of the forfeiture
15 sentencing, and incorporation of the forfeiture in the judgment; (2)
16 all constitutional and statutory challenges to the forfeiture
17 (including by direct appeal, habeas corpus or any other means); and
18 (3) all constitutional, legal, and equitable defenses to the
19 forfeiture of the Forfeitable Property in any proceeding on any
20 grounds including, without limitation, that the forfeiture
21 constitutes an excessive fine or punishment. Defendant acknowledges
22 that forfeiture of the Forfeitable Property is part of the sentence
23 that may be imposed in this case and waives any failure by the Court
24 to advise defendant of this, pursuant to Federal Rule of Criminal
25 Procedure 11(b)(1)(J), at the time the Court accepts defendant's
26 guilty plea.

27 THE USAO'S OBLIGATIONS

28 4. The USAO agrees to:

1 a. Not contest facts agreed to in this agreement.

2 b. Abide by all agreements regarding sentencing contained
3 in this agreement.

4 c. At the time of sentencing, provided that defendant
5 demonstrates an acceptance of responsibility for the offense up to
6 and including the time of sentencing, recommend a two-level reduction
7 in the applicable Sentencing Guidelines offense level, pursuant to
8 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an
9 additional one-level reduction if available under that section.

10 NATURE OF THE OFFENSE

11 5. Defendant understands that for defendant to be guilty of
12 the crime charged in the indictment, that is, Prohibited Person in
13 Possession of a Firearm and Ammunition, in violation of Title 18,
14 United States Code, Section 922(g)(1), (8), (9), the following must
15 be true: (1) defendant knowingly possessed a firearm and ammunition;
16 (2) the firearm and ammunition had been shipped or transported from
17 one state to another or between a foreign nation and the United
18 States; (3) at the time defendant possessed the firearm and
19 ammunition, defendant had: (a) been convicted of a crime punishable
20 by imprisonment for a term exceeding one year; (b) was subject to a
21 domestic violence protection order that: (i) was issued after a
22 hearing of which defendant received actual notice, and at which
23 defendant had an opportunity to participate; (ii) restrains defendant
24 from harassing, stalking, or threatening an intimate partner of
25 defendant or child of such intimate partner or defendant, or engaging
26 in other conduct that would place an intimate partner in reasonable
27 fear of bodily injury to the partner or child; and (iii) by its terms
28 explicitly prohibits the use, attempted use, or threatened use of

1 physical force against such intimate partner or child that would
2 reasonably be expected to cause bodily injury; and (c) been convicted
3 of a misdemeanor crime of domestic violence; and (4) at the time
4 defendant possessed the firearm and ammunition, defendant knew he had
5 been convicted of a crime punishable by imprisonment for a term
6 exceeding one year, that he was subject to a domestic violence
7 protection order, and that he had been convicted of a misdemeanor
8 crime of domestic violence.

9 PENALTIES

10 6. Defendant understands that the statutory maximum sentence
11 that the Court can impose for a violation of Title 18, United States
12 Code, Section 922(g)(1), (8), (9), is: 15 years' imprisonment; a 3-
13 year period of supervised release; a fine of \$250,000 or twice the
14 gross gain or gross loss resulting from the offense, whichever is
15 greatest; and a mandatory special assessment of \$100.

16 7. Defendant understands that supervised release is a period
17 of time following imprisonment during which defendant will be subject
18 to various restrictions and requirements. Defendant understands that
19 if defendant violates one or more of the conditions of any supervised
20 release imposed, defendant may be returned to prison for all or part
21 of the term of supervised release authorized by statute for the
22 offense that resulted in the term of supervised release, which could
23 result in defendant serving a total term of imprisonment greater than
24 the statutory maximum stated above.

25 8. Defendant understands that, by pleading guilty, defendant
26 may be giving up valuable government benefits and valuable civic
27 rights, such as the right to vote, the right to possess a firearm,
28 the right to hold office, and the right to serve on a jury. Defendant

1 understands that he is pleading guilty to a felony and that it is a
2 federal crime for a convicted felon to possess a firearm or
3 ammunition. Defendant understands that the conviction in this case
4 may also subject defendant to various other collateral consequences,
5 including but not limited to revocation of probation, parole, or
6 supervised release in another case and suspension or revocation of a
7 professional license. Defendant understands that unanticipated
8 collateral consequences will not serve as grounds to withdraw
9 defendant's guilty plea.

10 9. Defendant and his counsel have discussed the fact that, and
11 defendant understands that, if defendant is not a United States
12 citizen, the conviction in this case makes it practically inevitable
13 and a virtual certainty that defendant will be removed or deported
14 from the United States. Defendant may also be denied United States
15 citizenship and admission to the United States in the future.
16 Defendant understands that while there may be arguments that
17 defendant can raise in immigration proceedings to avoid or delay
18 removal, removal is presumptively mandatory and a virtual certainty
19 in this case. Defendant further understands that removal and
20 immigration consequences are the subject of a separate proceeding and
21 that no one, including his attorney or the Court, can predict to an
22 absolute certainty the effect of his conviction on his immigration
23 status. Defendant nevertheless affirms that he wants to plead guilty
24 regardless of any immigration consequences that his plea may entail,
25 even if the consequence is automatic removal from the United States.

26 FACTUAL BASIS

27 10. Defendant admits that defendant is, in fact, guilty of the
28 offense to which defendant is agreeing to plead guilty. Defendant

1 and the USAO agree to the statement of facts provided below and agree
2 that this statement of facts is sufficient to support a plea of
3 guilty to the charge described in this agreement and to establish the
4 Sentencing Guidelines factors set forth in paragraph 12 below but is
5 not meant to be a complete recitation of all facts relevant to the
6 underlying criminal conduct or all facts known to either party that
7 relate to that conduct.

8 On or about June 23, 2023, in Los Angeles County, which is
9 within the Central District of California, defendant knowingly and
10 unlawfully possessed a firearm and ammunition, namely a Ruger, LCP,
11 .380 caliber pistol, bearing serial number 372415462 and five rounds
12 of Arms Corporation of the Philippines .380 caliber ammunition.

13 The Ruger, LCP, .380 caliber pistol, bearing serial number
14 372415462, was manufactured in either Arizona or North Carolina. The
15 five rounds of Arms Corporation of the Philippines .380 caliber
16 ammunition were manufactured in the Philippines. In order for the
17 firearm and ammunition to have been located in California on June 23,
18 2023, the firearm and each round of ammunition would have had to have
19 been shipped or transported from one state to another state or
20 between a foreign nation and the United States.

21 Before defendant's knowing and unlawful possession of the
22 firearm and ammunition on or about June 23, 2023, defendant knew he
23 had been convicted of the following felony crimes, punishable by a
24 term of imprisonment exceeding one year:

- 25 • Possession of Fifteen or More Counterfeit Access Devices,
26 in violation of Title 18, United States Code, Section
27 1029(a)(3), in the United States District Court for the
28

1 District of Kansas, case number 6:10-cr-10060-01, on or
2 about February 15, 2011;

3 • Burglary, in violation of Nevada Revised Statutes Section
4 205.060, in the Eighth Judicial District Court, Clark
5 County, State of Nevada, case number C-14-303320-2, on or
6 about May 29, 2015; and

7 • Identity Theft, in violation of California Penal Code
8 Section 530.5(a), in the Superior Court of California,
9 County of Los Angeles, case number GA099492, on or about
10 May 25, 2017.

11 Further, at the time defendant knowingly possessed the firearm
12 and ammunition, he was and knew that he was subject to a court order,
13 issued on or about August 19, 2022, in the Superior Court of
14 California, County of Los Angeles, case number 2GD00785, restraining
15 him from harassing, stalking, and threatening intimate partner victim
16 A.A., with whom the defendant shares children, and victims Em.P. and
17 El.P., with whom defendant had resided as victims Em.P.'s and El.P.'s
18 parent or guardian and who were approximately eight and five years
19 old at the time the court order was issued (collectively, the
20 "intimate partners"). The order restrained defendant from engaging
21 in other conduct that would place an intimate partner in reasonable
22 fear of bodily injury to the partner, and by its terms explicitly
23 prohibited the use, attempted use, or threatened use of physical
24 force against such intimate partner that would reasonably be expected
25 to cause bodily injury. The order was issued after a hearing of
26 which defendant received actual notice and at which he had an
27 opportunity to participate.
28

1 Finally, prior to defendant's possession of the firearm and
2 ammunition, defendant knew he had been convicted on or about August
3 19, 2022 of a misdemeanor crime of domestic violence, namely,
4 Domestic Battery, in violation of California Penal Code Section
5 243(e)(1), in the Superior Court of California, County of Los
6 Angeles, case number 2GD00785.

7 When defendant knowingly and unlawfully possessed the firearm
8 and ammunition on June 23, 2023, defendant knew he had previously
9 been convicted of the above felony offenses and misdemeanor crime of
10 domestic violence and that he was subject to a domestic violence
11 protective order.

12 SENTENCING FACTORS

13 11. Defendant understands that in determining defendant's
14 sentence the Court is required to calculate the applicable Sentencing
15 Guidelines range and to consider that range, possible departures
16 under the Sentencing Guidelines, and the other sentencing factors set
17 forth in 18 U.S.C. § 3553(a). Defendant understands that the
18 Sentencing Guidelines are advisory only, that defendant cannot have
19 any expectation of receiving a sentence within the calculated
20 Sentencing Guidelines range, and that after considering the
21 Sentencing Guidelines and the other § 3553(a) factors, the Court will
22 be free to exercise its discretion to impose any sentence it finds
23 appropriate up to the maximum set by statute for the crime of
24 conviction.

25 12. Defendant and the USAO agree to the following applicable
26 Sentencing Guidelines factors:

27 Base Offense Level: 14 U.S.S.G. § 2K2.1(a)(6)
28

1 Defendant and the USAO reserve the right to argue that additional
2 specific offense characteristics, adjustments, and departures under
3 the Sentencing Guidelines are appropriate. The base offense level
4 set forth above is based on information currently known to the
5 government regarding defendant's criminal history. Defendant
6 understands and agrees that defendant's base offense level could be
7 increased if defendant is an armed career criminal under U.S.S.G.
8 §§ 4B1.4 and 18 U.S.C. § 924(e), or if defendant has additional prior
9 conviction(s) for either a crime of violence or a controlled
10 substance offense under U.S.S.G. § 2K2.1. If defendant's base
11 offense level is so altered, defendant and the USAO will not be bound
12 by the base offense level agreed to above.

13 13. Defendant understands that there is no agreement as to
14 defendant's criminal history or criminal history category.

15 14. Defendant and the USAO reserve the right to argue for a
16 sentence outside the sentencing range established by the Sentencing
17 Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1),
18 (a)(2), (a)(3), (a)(6), and (a)(7).

19 WAIVER OF CONSTITUTIONAL RIGHTS

20 15. Defendant understands that by pleading guilty, defendant
21 gives up the following rights:

- 22 a. The right to persist in a plea of not guilty.
- 23 b. The right to a speedy and public trial by jury.
- 24 c. The right to be represented by counsel -- and if
25 necessary have the Court appoint counsel -- at trial. Defendant
26 understands, however, that, defendant retains the right to be
27 represented by counsel -- and if necessary have the Court appoint
28 counsel -- at every other stage of the proceeding.

1 d. The right to be presumed innocent and to have the
2 burden of proof placed on the government to prove defendant guilty
3 beyond a reasonable doubt.

4 e. The right to confront and cross-examine witnesses
5 against defendant.

6 f. The right to testify and to present evidence in
7 opposition to the charges, including the right to compel the
8 attendance of witnesses to testify.

9 g. The right not to be compelled to testify, and, if
10 defendant chose not to testify or present evidence, to have that
11 choice not be used against defendant.

12 h. Any and all rights to pursue any affirmative defenses,
13 Fourth Amendment or Fifth Amendment claims, and other pretrial
14 motions that have been filed or could be filed.

15 WAIVER OF APPEAL OF CONVICTION

16 16. Defendant understands that, with the exception of an appeal
17 based on a claim that defendant's guilty plea was involuntary, by
18 pleading guilty defendant is waiving and giving up any right to
19 appeal defendant's conviction on the offense to which defendant is
20 pleading guilty. Defendant understands that this waiver includes,
21 but is not limited to, arguments that the statute to which defendant
22 is pleading guilty is unconstitutional, and any and all claims that
23 the statement of facts provided herein is insufficient to support
24 defendant's plea of guilty.

25 WAIVER OF APPEAL AND COLLATERAL ATTACK

26 17. Defendant gives up the right to appeal all of the
27 following: (a) the procedures and calculations used to determine and
28 impose any portion of the sentence; (b) the term of imprisonment

1 imposed by the Court, including, to the extent permitted by law, the
2 constitutionality or legality of defendant's sentence, provided it is
3 within the statutory maximum; (c) the fine imposed by the Court,
4 provided it is within the statutory maximum; (d) the term of
5 probation or supervised release imposed by the Court, provided it is
6 within the statutory maximum; and (f) any of the following conditions
7 of probation or supervised release imposed by the Court: the
8 conditions set forth in Second Amended General Order 20-04 of this
9 Court; the drug testing conditions mandated by 18 U.S.C.
10 §§ 3563(a)(5) and 3583(d); and the alcohol and drug use conditions
11 authorized by 18 U.S.C. § 3563(b)(7).

12 18. Defendant also gives up any right to bring a post-
13 conviction collateral attack on the conviction or sentence, except a
14 post-conviction collateral attack based on a claim of ineffective
15 assistance of counsel, a claim of newly discovered evidence, or an
16 explicitly retroactive change in the applicable Sentencing
17 Guidelines, sentencing statutes, or statutes of conviction.
18 Defendant understands that this waiver includes, but is not limited
19 to, arguments that the statute to which defendant is pleading guilty
20 is unconstitutional, and any and all claims that the statement of
21 facts provided herein is insufficient to support defendant's plea of
22 guilty.

23 19. This agreement does not affect in any way the right of the
24 USAO to appeal the sentence imposed by the Court.

25 RESULT OF WITHDRAWAL OF GUILTY PLEA

26 20. Defendant agrees that if, after entering a guilty plea
27 pursuant to this agreement, defendant seeks to withdraw and succeeds
28 in withdrawing defendant's guilty plea on any basis other than a

1 claim and finding that entry into this plea agreement was
2 involuntary, then the USAO will be relieved of all of its obligations
3 under this agreement.

4 EFFECTIVE DATE OF AGREEMENT

5 21. This agreement is effective upon signature and execution of
6 all required certifications by defendant, defendant's counsel, and an
7 Assistant United States Attorney.

8 BREACH OF AGREEMENT

9 22. Defendant agrees that if defendant, at any time after the
10 signature of this agreement and execution of all required
11 certifications by defendant, defendant's counsel, and an Assistant
12 United States Attorney, knowingly violates or fails to perform any of
13 defendant's obligations under this agreement ("a breach"), the USAO
14 may declare this agreement breached. All of defendant's obligations
15 are material, a single breach of this agreement is sufficient for the
16 USAO to declare a breach, and defendant shall not be deemed to have
17 cured a breach without the express agreement of the USAO in writing.
18 If the USAO declares this agreement breached, and the Court finds
19 such a breach to have occurred, then: (a) if defendant has previously
20 entered a guilty plea pursuant to this agreement, defendant will not
21 be able to withdraw the guilty plea, and (b) the USAO will be
22 relieved of all its obligations under this agreement.

23 COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICES

24 OFFICE NOT PARTIES

25 23. Defendant understands that the Court and the United States
26 Probation and Pretrial Services Office are not parties to this
27 agreement and need not accept any of the USAO's sentencing
28

1 recommendations or the parties' agreements to facts or sentencing
2 factors.

3 24. Defendant understands that both defendant and the USAO are
4 free to: (a) supplement the facts by supplying relevant information
5 to the United States Probation and Pretrial Services Office and the
6 Court, (b) correct any and all factual misstatements relating to the
7 Court's Sentencing Guidelines calculations and determination of
8 sentence, and (c) argue on appeal and collateral review that the
9 Court's Sentencing Guidelines calculations and the sentence it
10 chooses to impose are not error, although each party agrees to
11 maintain its view that the calculations in paragraph 12 are
12 consistent with the facts of this case. While this paragraph permits
13 both the USAO and defendant to submit full and complete factual
14 information to the United States Probation and Pretrial Services
15 Office and the Court, even if that factual information may be viewed
16 as inconsistent with the facts agreed to in this agreement, this
17 paragraph does not affect defendant's and the USAO's obligations not
18 to contest the facts agreed to in this agreement.

19 25. Defendant understands that even if the Court ignores any
20 sentencing recommendation, finds facts or reaches conclusions
21 different from those agreed to, and/or imposes any sentence up to the
22 maximum established by statute, defendant cannot, for that reason,
23 withdraw defendant's guilty plea, and defendant will remain bound to
24 fulfill all defendant's obligations under this agreement. Defendant
25 understands that no one -- not the prosecutor, defendant's attorney,
26 or the Court -- can make a binding prediction or promise regarding
27 the sentence defendant will receive, except that it will be within
28 the statutory maximum.

NO ADDITIONAL AGREEMENTS

26. Defendant understands that, except as set forth herein, there are no promises, understandings, or agreements between the USAO and defendant or defendant's attorney, and that no additional promise, understanding, or agreement may be entered into unless in a writing signed by all parties or on the record in court.

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PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

27. The parties agree that this agreement will be considered part of the record of defendant's guilty plea hearing as if the entire agreement had been read into the record of the proceeding.

AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE
FOR THE CENTRAL DISTRICT OF
CALIFORNIA

E. MARTIN ESTRADA

1 United States Attorney

2 *Bruce K Riordan*

June 10, 2024

3 BRUCE K. RIORDAN
4 Assistant United States Attorney

Date

5 *[Signature]*
6 ADIS POGHOSYAN
7 Defendant

Date

06/10/2024

8 *[Signature]*
9 GEORGE MGDESYAN
10 Attorney for Defendant
11 ADIS POGHOSYAN

Date

6/10/24

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20 CERTIFICATION OF DEFENDANT

21 I have read this agreement in its entirety. I have had enough
22 time to review and consider this agreement, and I have carefully and
23 thoroughly discussed every part of it with my attorney. I understand
24 the terms of this agreement, and I voluntarily agree to those terms.
25 I have discussed the evidence with my attorney, and my attorney has
26 advised me of my rights, of possible pretrial motions that might be
27 filed, of possible defenses that might be asserted either prior to or
28 at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a),

1 of relevant Sentencing Guidelines provisions, and of the consequences
2 of entering into this agreement. No promises, inducements, or
3 representations of any kind have been made to me other than those
4 contained in this agreement. No one has threatened or forced me in
5 any way to enter into this agreement. I am satisfied with the
6 representation of my attorney in this matter, and I am pleading
7 guilty because I am guilty of the charge and wish to take advantage
8 of the promises set forth in this agreement, and not for any other
9 reason.

10 
11 ADIS POGHOSYAN
12 Defendant

06/10/2024
Date

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16
17 CERTIFICATION OF DEFENDANT'S ATTORNEY

18 I am ADIS POGHOSYAN's attorney. I have carefully and thoroughly
19 discussed every part of this agreement with my client. Further, I
20 have fully advised my client of his rights, of possible pretrial
21 motions that might be filed, of possible defenses that might be
22 asserted either prior to or at trial, of the sentencing factors set
23 forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines
24 provisions, and of the consequences of entering into this agreement.
25 To my knowledge: no promises, inducements, or representations of any
26 kind have been made to my client other than those contained in this
27 agreement; no one has threatened or forced my client in any way to
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1 enter into this agreement; my client's decision to enter into this
2 agreement is an informed and voluntary one; and the factual basis set
3 forth in this agreement is sufficient to support my client's entry of
4 a guilty plea pursuant to this agreement.

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6 _____
7 GEORGE MGDESYAN
8 Attorney for Defendant
9 ADIS POGHOSYAN
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6/10/24

Date